

Revised Statutes of 1846 (EXCERPT)

R.S. of 1846

CHAPTER 1

CHAPTER 1. OF THE STATUTES.

8.1 Original acts; custody.

Sec. 1. The original acts of the legislature shall be deposited with, and kept by, the secretary of state.

History: R.S. 1846, Ch. 1;—Am. 1847, Act 46, Imd. Eff. Mar. 15, 1847;—CL 1857, 1;—CL 1871, 1;—How. 1;—CL 1897, 49;—CL 1915, 63;—CL 1929, 75;—CL 1948, 8.1.

Compiler's note: Section 2 of R.S. 1846, Ch. 1, pertains to effective date of statutes. For present law on this subject, see Mich. Const., Art. 4, § 27.

8.3 General rules of construction.

Sec. 3. In the construction of the statutes of this state, the rules stated in sections 3a to 3w shall be observed, unless such construction would be inconsistent with the manifest intent of the legislature.

History: R.S. 1846, Ch. 1;—CL 1857, 2;—CL 1871, 2;—How. 2;—CL 1897, 50;—CL 1915, 64;—CL 1929, 76;—Am. 1939, Act 60, Imd. Eff. Sept. 29, 1939;—CL 1948, 8.3;—Am. 1952, Act 100, Eff. Sept. 18, 1952;—Am. 1956, Act 76, Eff. Aug. 11, 1956;—Am. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3a Approved usage; technical words and phrases.

Sec. 3a. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases, and such as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3b Singular and plural; gender.

Sec. 3b. Every word importing the singular number only may extend to and embrace the plural number, and every word importing the plural number may be applied and limited to the singular number. Every word importing the masculine gender only may extend and be applied to females as well as males.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3c Authority of majority.

Sec. 3c. All words purporting to give a joint authority to 3 or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3d "Annual meeting" defined.

Sec. 3d. The words "annual meeting," when applied to townships, mean the annual meeting required by law to be held on the Saturday immediately preceding the first Monday in April.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3e "Grantor" and "grantee" defined.

Sec. 3e. The word "grantor" may be construed as including every person from or by whom any estate in lands passes in or by any deed. The word "grantee" may be construed as including every person to whom any such interest or estate passes in like manner.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3f "Inhabitant" defined.

Sec. 3f. The word "inhabitant" means a resident of a city, township, village, district or county.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3g "Insane person" defined.

Sec. 3g. The words "insane person" shall be construed to include an idiot, a non compos, a lunatic and an otherwise distracted person.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3h Repealed. 1978, Act 642, Eff. July 1, 1979.

Compiler's note: The repealed section defined "issue" as applied to the descent of estates.

8.3i "Land," "real estate," and "real property" defined.

Sec. 3i. The words "land", "lands", "real estate" and "real property" mean lands, tenements and real estate, and all rights thereto and interests therein.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3j "Month" and "year" defined.

Sec. 3j. The word "month" means a calendar month; the word "year", a calendar year; and the word "year" alone shall be equivalent to the words "year of our Lord".

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3k "Oath" and "sworn" defined.

Sec. 3k. The word "oath" shall be construed to include the word "affirmation" in all cases where by law an affirmation may be substituted for an oath; and in like cases the word "sworn" shall be construed to include the word "affirmed".

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3l "Person" defined.

Sec. 3l. The word "person" may extend and be applied to bodies politic and corporate, as well as to individuals.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3m "Preceding" and "following" defined.

Sec. 3m. The words "preceding" and "following", when used by way of reference to any title, chapter or section of the statutes of this state, shall be construed to mean the title, chapter or section next preceding or next following that in which such reference is made, unless when some other title, chapter or section is expressly designated in such reference.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3n "Seal" defined.

Sec. 3n. In all cases in which the seal of any court or public office is required to be affixed to any paper issuing from such court or office, the word "seal" shall be construed to mean the impression of the seal on the paper alone, as well as the impression of the seal affixed thereto by means of a wafer or wax.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3o "State" and "United States" defined.

Sec. 3o. The word "state", when applied to the different parts of the United States, shall be construed to extend to and include the District of Columbia and the several territories belonging to the United States; and the words "United States" shall be construed to include the district and territories.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3p Repealed. 1978, Act 642, Eff. July 1, 1979.

Compiler's note: The repealed section defined "will".

8.3q "Written" and "in writing" construed.

Sec. 3q. The words "written" and "in writing" shall be construed to include printing, engraving, and lithographing; except that if the written signature of a person is required by law, the signature shall be the proper handwriting of the person or, if the person is unable to write, the person's proper mark, which may be, unless otherwise expressly prohibited by law, a clear and classifiable fingerprint of the person made with ink or another substance.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959;—Am. 2005, Act 266, Imd. Eff. Dec. 16, 2005.

8.3r Acts of incorporation deemed public acts.

Sec. 3r. All acts of incorporation shall be deemed public acts, and as such may be declared on and given in evidence without specially pleading the same.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3s "General election" defined.

Sec. 3s. The words "general election" mean the election required by law to be held in the month of

November but do not include any primary election.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959;—Am. 1964, Act 209, Eff. Aug. 28, 1964.

8.3t “Firearm” defined.

Sec. 3t. The word “firearm”, except as otherwise specifically defined in the statutes, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion, except any smooth bore rifle or handgun designed and manufactured exclusively for propelling BB's not exceeding .177 calibre by means of spring, gas or air.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3u Re-enactments.

Sec. 3u. The provisions of any law or statute which is re-enacted, amended or revised, so far as they are the same as those of prior laws, shall be construed as a continuation of such laws and not as new enactments. If any provision of a law is repealed and in substance re-enacted, a reference in any other law to the repealed provision shall be deemed a reference to the re-enacted provision.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3v Population.

Sec. 3v. The population of the state or any political subdivision thereof shall be determined, unless otherwise specifically provided, on the basis of the latest federal decennial census preceding the time as of which the population is to be determined.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.3w Section numbers.

Sec. 3w. Wherever in the statute laws of this state a reference is made to several sections and the section numbers are connected by the word “to”, the reference includes both sections whose numbers are given and all intervening sections.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959.

8.4 Effect of repeal of repealing statute.

Sec. 4. Whenever a statute, or any part thereof shall be repealed by a subsequent statute, such statute, or any part thereof, so repealed, shall not be revived by the repeal of such subsequent repealing statute.

History: R.S. 1846, Ch. 1;—CL 1857, 3;—CL 1871, 3;—How. 3;—CL 1897, 51;—CL 1915, 65;—CL 1929, 77;—CL 1948, 8.4.

8.4a Effect of repeal.

Sec. 4-a. The repeal of any statute or part thereof shall not have the effect to release or relinquish any penalty, forfeiture, or liability incurred under such statute or any part thereof, unless the repealing act shall so expressly provide, and such statute and part thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

History: Add. 1931, Act 25, Imd. Eff. Apr. 21, 1931;—CL 1948, 8.4a.

Compiler's note: Section 3 of Act 510 of 1978 provides: “Section 4a of chapter 1 of the Revised Statutes of 1846, being section 8.4a of the Michigan Compiled Laws applies to violations of Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or a local ordinance substantially corresponding thereto, which occurred before the effective date of this amendatory act and which would otherwise be designated as civil infractions upon the effective date of this amendatory act.”

8.4b Catchline not part of section.

Sec. 4-b. The catch line heading of any section of the statutes that follows the act section number shall in no way be deemed to be a part of the section or the statute, or be used to construe the section more broadly or narrowly than the text of the section would indicate, but shall be deemed to be inserted for purposes of convenience to persons using publications of the statutes.

History: Add. 1931, Act 25, Imd. Eff. Apr. 21, 1931;—CL 1948, 8.4b.

8.4c “Shall not apply” defined.

Sec. 4c. As used in the statutes of this state, “shall not apply” means that the pertinent provision is not operative as to certain persons or things or in conjunction with a particular date or dates. Use of the phrase “shall not apply” does not result in the repeal, expiration, termination, or otherwise legislating out of existence of that portion of a statute to which the phrase pertains, but only relates to the operational effect of the provision.

History: Add. 1986, Act 317, Imd. Eff. Dec. 26, 1986.

8.5 Severability.

Sec. 5. In the construction of the statutes of this state the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the legislature, that is to say:

If any portion of an act or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the act which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end acts are declared to be severable.

History: Add. 1945, Act 119, Imd. Eff. Apr. 20, 1945;—CL 1948, 8.5.

8.6 Statutes and rules; time; computation.

Sec. 6. This section applies to the statutes and administrative rules. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period or a fixed or final day is a Saturday, Sunday or legal holiday, the period or day is extended to include the next day which is not a Saturday, Sunday or legal holiday.

History: Add. 1966, Act 129, Eff. Mar. 10, 1967;—Am. 1970, Act 141, Imd. Eff. Aug. 1, 1970.

8.7 Department of natural resources; references.

Sec. 7. Whenever reference is made to the department of conservation or the conservation commission it shall mean the department of natural resources or the natural resources commission.

History: Add. 1969, Act 208, Eff. Mar. 20, 1970.

8.8 “Law” defined; reference to “Michigan Compiled Laws”; reference to statute as including latest amendments; use of “as amended”; reference in title or enacting section to law adding or amending section subsequent to most recent published compilation.

Sec. 8. (1) As used in this section, “law” means any of the following:

(a) A public act of the legislature.

(b) An initiated law adopted by the people.

(c) An executive order of the governor submitted to the legislature pursuant to section 2 of article 5 of the state constitution of 1963 and having the force of law.

(2) A reference to “Michigan Compiled Laws” shall include all sections of law, as last amended, which are assigned a compilation number by the legislative service bureau and are not subsequently repealed.

(3) Unless otherwise specifically provided, a reference to all or part of a statute, regardless of whether the words “as amended” are used in the reference, shall include the latest amendments to the statute or part.

(4) With respect to a section of the Michigan Compiled Laws which is added to a statute or amended subsequent to the most recent published compilation of the laws of this state in force, as certified by the legislative council, a reference within the title or an enacting section of a statute to the law which added or amended the section is not required, but a statute may include within the title or enacting section, or both, of the statute, a reference to the law which added or most recently amended the section subsequent to the most recent published compilation.

History: Add. 1982, Act 183, Imd. Eff. June 17, 1982.